

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: No. C 10-01431 SI
ARDEN VAN UPP, File also in: No. C 10-01699 SI
ORDER TO SHOW CAUSE

On April 5, 2010, debtor Arden Van Upp filed a Notice of Appeal from Bankruptcy Court in the U.S. District Court for the Northern District of California. Case No. 10-01431 SI, Doc. 1. Although it is not clear how or why this happened, it appears that the notice of appeal was also transmitted to the Bankruptcy Appellate Panel; that trustee David A. Bradlow declined to proceed before the BAP on April 16, 2010; and that trustee filed a Notice of Transfer of Appeal to the District Court on April 21, 2010. Case No. 10-01699 SI, Doc. 1. Debtor's notice of appeal and trustee's notice of transfer of appeal were each docketed separately, the former as Case No. 10-01431 and the latter as Case No. 10-01699.

In both cases, debtor appears to challenge three decisions by the Bankruptcy Court to authorize payment of fees, costs, and reimbursements associated with debtor's bankruptcy proceedings. *Compare* 10-01699 Doc. 1-3 at 3; Doc. 1-5 at 1 *with* 10-01431 Doc. 1 at 1. In both cases, the clerk of this Court issued an order establishing a briefing schedule that has long since expired. *See* 10-01431 Doc. 2, 10-01699 Doc. 2. However, no portion of the bankruptcy record has been lodged with the Court in either case, other than two short orders of the Bankruptcy Court, and debtor has not filed a brief in support of her appeal. Additionally, it appears from the Bankruptcy Court docket that debtor's bankruptcy proceedings are ongoing, and thus that the orders she is appealing may be interlocutory. *See* Docket, Bankruptcy Petition #: 09-31932 (Bankr. N.D. Cal.).

Therefore, the Court ORDERS debtor Arden Van Upp to show cause why the appeals in Case

No. 10-01431 and Case No. 10-01699 should not be dismissed for failure to prosecute and/or lack of jurisdiction, with specific discussion of relevant case law and applicable Federal Rules of Bankruptcy Procedure, **by March 22, 2011.**

IT IS SO ORDERED.

Dated: February 22, 2011



SUSAN ILLSTON
United States District Judge